

Special Land Use Application

A special land use permit is a means by which the City Council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized by right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in the City's Zoning Ordinance. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations as permitted by special land use permit. An applicant desiring to apply for a special land use permit authorized within a district contained within the Zoning Ordinance shall file an application with the planning department. The City Council, following recommendation by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and Chapter. Such uses may further require, and the City Council shall be authorized to impose, special conditions in order to assure their compatibility with surrounding uses and to minimize adverse impacts of the use on surrounding property.

No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit, or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has attended and held a publicized pre-submittal community meeting(s) with property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing by the applicant, meaning an advertisement will be printed in the newspaper of general circulation and a letter will be drafted and mailed to those property owners. The pre-submittal community meeting shall take place at a facility within two (2) miles of the subject property and shall not take place less than fifteen (15) days after the date of the written notice nor more than one hundred twenty (120) days prior to the application submittal to the City. If there is more than one community meeting relating to the proposal, the 120-day timeline shall begin as of the date of the final meeting in the series. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to a copy of the notice letter and sign-in sheets or correspondence from the residents from the community before the application can be considered complete.

The Special Land Use process for the City of Dunwoody involves five public meetings, one of which occurs by the applicant's authority, and two of which are state-mandated Public Hearings. The first meeting occurs as described above at the applicant's request in front of the neighboring property owners at a location central to the subject property. The second meeting occurs at City Hall in front of the Community Council, where the item is first introduced in front of the City at large. The Community Council meets the second Thursday of every month at 7:00 PM. in the Mayor and Council chambers downstairs at 41 Perimeter Center East.

The third meeting, and first Public hearing, is in front of the Planning Commission, where the item will be heard and a recommendation will be made that goes in front of the Mayor and City Council. The Planning Commission meets the 2nd Tuesday of each month at 7:00 PM. at Dunwoody City Hall, located at 41 Perimeter Center East, Dunwoody, GA 30346. At that hearing, the Planning Commissioners review the applicant's submittal materials and a report generated by city staff related to the proposal. During the Public Hearing portion of the meeting, the applicant presents the proposal to the Planning Commission and answers questions posed by the Commissioners, and the public at-large is entitled to speak in support or opposition to the application. The commissioners' deliberations are transmitted to the Mayor and City Council in the form of a non-binding recommendation to approve the application, approve it with conditions, or deny the application.

The fourth & fifth meetings, and the second Public Hearing, are first and second readings of the proposal before the Mayor and City Council who ultimately vote in favor or against the proposal. Following the Planning Commission Public Hearing, the application will be heard in front of the Mayor and City Council on the fourth Monday of the month for a final decision based on the applicant's submittal information, the report generated by city staff, and the non-binding recommendation from the Planning Commission.

To initiate a request for a Special Land Use Permit within the City of Dunwoody, an applicant must also attend a pre-application conference with the city Planning & Zoning staff. Those meetings occur weekly on Thursday mornings. The purpose of the pre-application conference is to establish an expectation on the part of both staff and the applicant for the special land use process. At the conference, the applicant should display any preliminary site plans and/or other illustrative documents as necessary. The applicant will then detail an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the change proposed, and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the pre-submittal meeting and the pre-application conference, applicants can submit their application and required supplemental materials (detailed in the following checklist) to the Community Development Department, located at 41 Perimeter Center East, Dunwoody, GA 30346. Our mailing address for correspondence is 41 Perimeter Center East, Suite 250, Dunwoody, Georgia 30346. Public notification of the pending action (in a conspicuous location on the subject property and via US Mail) is the responsibility of the City for all meetings except the pre-submittal meeting; however all costs associated with the noticing is the responsibility of the applicant. In all cases, legal advertisements in the City's legal organ (currently the Dunwoody Crier) shall be placed by the City no fewer than 45 days prior to the Mayor and City Council meeting, and not less than 15 days prior to the Planning Commission meeting.

Special Land Use Application Checklist

- ☐ Pre-submittal Meeting.
- ☐ Letter of intent.
- ☐ Completed application with all applicable information.
- ☐ Survey Plat of the subject property prepared and sealed w/in the last 10 years by a professional engineer, landscape architect or surveyor. Must include:
 - a. all property boundaries
 - b. all existing buildings and structures
 - c. floodplain notation
 - d. total acreage/square footage of the property.
- ☐ Signed and notarized affidavits of all owners. Use attached sheet as necessary.
- ☐ Written legal description of the property.
- ☐ A written, documented analysis of the impact of the proposed special land use permit with respect to each of the criteria contained in **Section 27-1491** and, where applicable to the use proposed, also the criteria contained in **Section 27-1492**.
- ☐ Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
 - a. All buildings and structures proposed to be constructed and their location on the property;
 - b. Height of proposed building(s);
 - c. Proposed use of each portion of each building;
 - d. All driveways, parking areas, and loading areas;
 - e. Location of all trash and garbage disposal facilities;
 - f. Setback and buffer zones required in the district in which such use is proposed to be located;
 - g. Landscaping plan for parking areas.

Special Land Use Application

Applicant	Name:		
	Address:		
	Phone:	Fax:	Email:
Property Owner	Owner's Name:		
	Owner's Address:		
	Phone:	Fax:	Email:
Property Information	Property Address:		Parcel ID:
	Current Zoning Classification:		
	Requested Use of the property:		
Applicant Affidavit	<i>To the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.</i>		
	Applicant's Name:		
	Applicant's Signature:		Date:
Notary	Sworn to and subscribed before me this _____ Day of _____, 20____		
	Notary Public:		
	Signature:		
	My Commission Expires:		
Owner Affidavit	<i>To the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.</i>		
	Property Owner's Name:		
	Property Owner's Signature:		Date:
Notary	Sworn to and subscribed before me this _____ Day of _____, 20____		
	Notary Public:		
	Signature:		
	My Commission Expires:		

Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. If additional materials are determined to be necessary, they understand that they are responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinances.

Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			
Attorney / Agent	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			

Campaign Disclosure Ordinance

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

(Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.

Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☐ NO

Applicant / Owner	Signature:
	Address:
	Date:

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount